

AMENDED IN SENATE APRIL 13, 2000

SENATE BILL

No. 1971

Introduced by Senator Mountjoy

February 25, 2000

An act to amend Section 43013.1 of the Health and Safety Code, relating to gasoline, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1971, as amended, Mountjoy. Gasoline: MTBE.

(1) Existing law requires the State Energy Resources Conservation and Development Commission, in consultation with the State Air Resources Board, to develop a timetable for the removal of methyl tertiary-butyl ether (MTBE) from gasoline at the earliest possible date, as specified.

This bill, instead, would require the commission, in consultation with the state board, to develop a timetable ~~to~~ *that establishes a phase out and eliminate* of the use of MTBE in gasoline *between the effective date of the bill and December 30, 2000, and for the total elimination of the use of MTBE in gasoline no later than December 31, 2000.*

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 43013.1 of the Health and Safety Code is amended to read:

43013.1. (a) The State Energy Resources Conservation and Development Commission, in consultation with the state board, shall develop a timetable ~~to phase out and eliminate the use that establishes a phase out of the use of methyl tertiary-butyl ether (MTBE) in gasoline on or before~~ *between the effective date of the act that amends this section during the 2000 portion of the 1999–2000 Regular Session and December 30, 2000, and for the total elimination of the use of MTBE in gasoline no later than December 31, 2000.* In developing the *phase out aspect of the* timetable, the commission and the state board shall consider studies conducted by the commission and should ensure adequate supply and availability of gasoline.

(b) The state board shall ensure that regulations for California Phase 3 Reformulated Gasoline (CaRFG3) adopted pursuant to Executive Order D-5-99 meet all of the following conditions:

(1) Maintain or improve upon emissions and air quality benefits achieved by California Phase 2 Reformulated Gasoline in California as of January 1, 1999, including emission reductions for all pollutants, including precursors, identified in the State Implementation Plan for ozone, and emission reductions in potency-weighted air toxics compounds.

(2) Provide additional flexibility to reduce or remove oxygen from motor vehicle fuel in compliance with the regulations adopted pursuant to subdivision (a).

(3) Are subject to a multimedia evaluation pursuant to Section 43830.8.

(c) On or before April 1, 2000, the State Water Resources Control Board, in consultation with the Department of Water Resources and the State Department of Health Services, shall identify areas of the state that are most vulnerable to groundwater contamination by MTBE or other ether-based

1 oxygenates. The State Water Resources Control Board
2 shall direct resources to those areas for protection and
3 cleanup on a prioritized basis. Loans for upgrading,
4 replacing, or removing tanks shall be made available
5 pursuant to Chapter 8.5 (commencing with Section
6 15399.10) of Part 6.7 of Division 3 of Title 2 of the
7 Government Code. In identifying areas vulnerable to
8 groundwater contamination, the State Water Resources
9 Control Board shall consider criteria including, but not
10 limited to, any one, or any combination of, the following:

11 (1) Hydrogeology.

12 (2) Soil composition.

13 (3) Density of underground storage tanks in relation
14 to drinking water wells.

15 (4) Degree of dependence on groundwater for
16 drinking water supplies.

17 SEC. 2. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or
19 safety within the meaning of Article IV of the
20 Constitution and shall go into immediate effect. The facts
21 constituting the necessity are:

22 In order to preserve California's water resources and to
23 protect the public health as soon as possible, it is necessary
24 for this act to take effect immediately.